

## PROOF OF CLAIM

EXHIBIT A

Name of Debtor

USA Commercial Mortgage Company

Case Number

06-10725-LBR

NOTE See Reverse for List of Debtors and Case Numbers  
This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503

## Name of Creditor and Address

11321242036713  
LEVY, ROBERT  
2115 BENSLEY ST  
HENDERSON NV 89044

☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars

☐ Check box if you have never received any notices from the bankruptcy court or BMC Group in this case

☐ Check box if this address differs from the address on the envelope sent to you by the court

IF YOU ARE ONLY OWED MONEY BY A BORROWER WHOSE LOAN IS BEING SERVICED BY THE DEBTORS YOU DO NOT HAVE TO FILE A PROOF OF CLAIM. THIS INCLUDES MONEY FROM THAT BORROWER HELD IN THE COLLECTION ACCOUNT

DO NOT FILE THIS PROOF OF CLAIM FOR A SECURED INTEREST IN A BORROWER THAT IS NOT ONE OF THE DEBTORS

If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again

THIS SPACE IS FOR COURT USE ONLY

Creditor Telephone Number ( )

Last four digits of account or other number by which creditor identifies debtor

ID # 3061

Check here ☐ replaces a previously filed claim dated \_\_\_\_\_  
if this claim ☐ or amends

## 1 BASIS FOR CLAIM

☐ Goods sold☐ Personal injury/wrongful death☐ Retiree benefits as defined in 11 U.S.C. § 1114(a)☐ Unremitted principal☐ Services performed☐ Taxes☐ Wages, salaries and compensation (fill out below)☐ Other claims against servicer (not for loan balances)☒ Money loaned☐ Other (describe briefly)

Last four digits of your SS #

Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_

(date) (date)

## 2 DATE DEBT WAS INCURRED

See attached

## 3 IF COURT JUDGMENT, DATE OBTAINED

## 4 CLASSIFICATION OF CLAIM

Check the appropriate box or boxes that best describe your claim and state the amount of the claim at the time case filed

See reverse side for important explanations

## UNSECURED NONPRIORITY CLAIM \$

☐ Check this box if a) there is no collateral or lien securing your claim or b) your claim exceeds the value of the property securing it or c) none or only part of your claim is entitled to priority

## UNSECURED PRIORITY CLAIM

☐ Check this box if you have an unsecured claim all or part of which is entitled to priority

Amount entitled to priority \$

Specify the priority of the claim

☐ Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B)

☐ Wages, salaries or commissions (up to \$10,000)\*, earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business whichever is earlier - 11 U.S.C. § 507(a)(4)

☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5)

## SECURED CLAIM

☒ Check this box if your claim is secured by collateral (including a right of setoff)

Brief description of collateral

☒ Real Estate ☐ Motor Vehicle ☐ Other

Value of Collateral \$

Amount of arrearage and other charges at time case filed included in secured claim, if any \$ 100,000

☐ Up to \$2,225\* of deposits toward purchase lease or rental of property or services for personal family or household use - 11 U.S.C. § 507(a)(7)☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8)☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a) ( )

\* Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment

## 5 TOTAL AMOUNT OF CLAIM

\$ 200,000 \$ 200,000

AT TIME CASE FILED

(unsecured)

(secured)

(priority)

(Total)

☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges

## 6 CREDITS The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim

## 7 SUPPORTING DOCUMENTS Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary

## 8 DATE-STAMPED COPY To receive an acknowledgment of the filing of your claim, enclose a stamped self-addressed envelope and copy of this proof of claim

The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is actually received on or before 5:00 pm, prevailing Pacific time, on November 13, 2006 for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units)

BY MAIL TO  
BMC Group  
Attn: USACM Claims Docketing Center  
P.O. Box 911  
El Segundo, CA 90245-0911

BY HAND OR OVERNIGHT DELIVERY TO  
BMC Group  
Attn: USACM Claims Docketing Center  
1330 East Franklin Avenue  
El Segundo, CA 90245

THIS SPACE FOR COURT USE ONLY

FILED OCT 09 2006

DATE

9/21/06

SIGN and print the name and title if any of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any)

ROBERT E. LEVY Robert E. Levy

USA CMC

1072500495

EXHIBIT A



Due 12/18/05

June 22, 2004


Robert E Levy, a married man dealing with his sole & separate property  
Robert E Levy  
2548 Downeyville Avenue  
Henderson NV 89052

Dear Robert,

USA Capital would like to take this opportunity to thank you for investing in our First Trust Deed program. Your investment amount of \$50,000.00 in the Fiesta Oak Valley loan was funded on 6-15-04. You will start earning interest from 6-15-04.

USA Capital continues to underwrite all loans with the same care and diligence we have used since 1989. The interest for this first trust deed investment will be paid on or before the 10<sup>th</sup> of each month. USA Capital will fully service your investment, including monthly interest, statements, and tax reporting. If you have any questions or comments, please feel free to call (702) 734-2400. Thank you again.

Sincerely,

  
Rockel Fowler  
Broker Assistant

# USA Capital

## First Trust Deed Investment

- Borrower:** Oak Valley Land Investors, LLC or assignee  
The Borrower is a joint venture between Fiesta Development, and USA Investment Partners – an affiliate of USA Capital
- Loan Amount:** \$20,500,000
- Rate:** 13 0% (net), payable monthly
- Term:** 18 months
- Collateral:** First Deed of Trust on approximately 1,540 acres located on Interstate 10 in Calimesa, California, between Redlands and Beaumont/Banning The land is master-planned for the development of approximately 3,000 residential units, schools, and commercial sites
- The Project:** This property generally known as the Oak Valley Specific Plan is located in Calimesa, California on the west side of Interstate 10 between the County Line Road exit and the Sandalwood Drive exit between Redland and Beaumont/Banning The property already has an approved Specific Plan in place- part of an original 5000 acre master plan, the eastern most portions of which has been developed into the PGA of Southern California Golf Club This will significantly cut down on the California entitlement process The Interstate 10 corridor east of Interstate 215 has been one of the fastest growing areas in California over the past few years, as home buyers seek affordability and easy access to employment centers
- The property is beautifully situated with rolling hills, bluffs, and canyons that will lend itself for the development of extensive open space and parks, and will have excellent views of the surrounding country side
- Use of Proceeds:** The proceeds from this loan will be used to complete the acquisition of the property, and provide funds for engineering and entitlement work The purchase agreement for this property was originally entered into in February 2003

**Jane't Szabo**

**702-734-2400**

**889-921-8009**

Licensed by the State of Nevada Division of Mortgage Lending  
USA Commercial Mortgage Company 4484 S Pecos Rd, Las Vegas NV 89121  
License #MB 02158 5/14/2004

Money invested through a mortgage broker is not guaranteed to earn any interest or return and is not insured Before investing investors must be provided applicable disclosure

EXHIBIT A

## USA Capital

**Loan-to-Value:** Estimated at less than 40% of the current value of the property. Adjacent property has recently appraised at \$135,000 per finished lot.

**Borrower Equity:** At close of escrow, over \$4.0 million in equity will have already been deposited toward the purchase of the property.

**The Developers:** The operating partners of the joint venture – Richard Ashby and Larry Redman – have been developing property in California for over 30 years including such areas as Southridge in Fontana, and Roripaugh Ranch in Temecula. This project is the second joint venture between USA Investment Partners and the principals of Fiesta Development.

**Guarantees:** Joe Milanowski, and Tom Hantges, the principals of USA Investment Partners, will guarantee the repayment of the loan.

**Jane't Szabo**

**702-734-2400**

**889-921-8009**

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USA Commercial Mortgage Company 4484 S. Pecos Rd, Las Vegas NV 89121

License #MB 02158 5/14/2004

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Receipt No 15513

Receipt Date 05/17/2004

Investors Name Robert

Levy

Vesting Robert E Levy, a married man dealing with his sole &amp; separate property

Loan Investing In Fiesta Oak Valley

Principal	Interest Rate	Accrue Date	Maturity Date	Entered By
\$ 50,000 00	13 00%			



March 8, 2004

TO All Investors

RE: Gramercy Court, Ltd

Dear Investors

Enclosed is a copy of the Loan Agreement, Promissory Note, Deed of Trust and Declaration of Agency Power of Attorney for the above referenced loan, all marked "COPY" for your records. Also, enclosed is the Loan Agreement Signature page which needs to be signed by you. I have enclosed a self-addressed, stamped envelope for your convenience in returning the Loan Agreement Signature page **as soon as possible**.

If you have any questions or need additional information, please contact your agent of the undersigned. Thank you for your prompt attention to this matter.

Very truly yours,

***Amanda Stevens***

Legal Assistant

Enclosures



Receipt No 13660

ReceiptDate 01/29/2004

Investors Name Robert  
Vesting Robert Levy

Levy

Loan Investing In Gramercy Apartments

Principal	Interest Rate	Accrue Date	Maturity Date	Entered By
\$ 50,000 00	12 00%			



# USA Capital

## First Trust Deed Investment

**Borrower:** Gramercy Apartments  
The borrower will be an entity owned and controlled by Tracy Suttles  
Tracy Suttles currently owns nearly 6,000 apartment units in the state of  
Texas Mr Suttles has done loans with USA Capital in the past

**Loan Amount:** \$5,100,000

**Rate:** 12 0% (net) interest paid monthly

**Maturity:** 12 months

**Collateral:** First deed of trust approximately 3 acres of vacant land located on the  
corner of Kirby Drive and Gramercy Boulevard, Houston Texas The  
property is located across the street from the Houston Medical Center

**Project Equity:** The Borrower has contributed in excess of approximately \$2 million for  
acquisition and entitlements

**The Project:** Tracy Suttles will be building a 5 story, 224-unit apartment project, and  
supporting site improvements, which will include a parking garage The  
apartments will range in sizes for 838 sq ft to 1,517 sq ft

**Exit Strategy:** This loan will be taken out with a construction loan

**Loan to Value:** Approximately 75% based on an appraisal prepared by Associated  
National Appraisal Services, Inc dated April 8 2003

**Guarantees:** Tracy D Suttles with an indicated net worth of approximately \$135  
million as of December 31 2003

**Jane't Szabo**

**(702) 734-2400**

**(888) 921-8009**

Licensed by the State of Nevada Financial Institutions Division

License #MB 02158

Money invested through a mortgage broker is not guaranteed to earn any interest or return and is not insured



... here on ...  
... 11/06 = \$7,000

...

**U.S. Bankruptcy Court**

**District of Nevada**

**Notice of Electronic Claims Filing**

The following transaction was received from BMC GROUP, INC , on 10/18/2006 at 1 47 PM PDT

**Case Name:** USA COMMERCIAL MORTGAGE COMPANY  
**Case Number** 06-10725-lbr  
LEVY, ROBERT  
**Creditor Name.** 2115 BENSLEY ST  
HENDERSON NV 89044-0155  
**Claim Number:** 495 Claims Register  
**Total Amount Claimed:** \$200000 00

The following document(s) are associated with this transaction

**Document description.** Main Document

**Original filename** 10725\_Levy\_Robert pdf

**Electronic document Stamp**

[STAMP bkecfStamp\_ID=989277954 [Date=10/18/2006] [FileNumber=7408298-0  
] [71bc4ffe8f47fb50198109f876a5182e0c76a29b773a5888811f8d8df0d380605c8  
6280e183f9ef53432d178534795541185bde4ab354c5943b58ee465fbb28b]]

**06-10725-lbr Notice will be electronically mailed to.**

FRANKLIN C ADAMS franklin adams@bbklaw com, arthur johnston@bbklaw com

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